

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KENDAN MILLER

Plaintiff,

v.

ROSENBERG POLICE DEPARTMENT

Defendants.

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Civil Action No. _____

JURY DEMANDED

DEFENDANT’S NOTICE OF REMOVAL AND JURY DEMAND

1. The City of Rosenberg, Texas, sued through the Rosenberg Police Department, is the defendant in a civil action filed on December 9, 2024, in Cause No. 24-DCV-323944, in the 400th Civil District Court in Fort Bend County, Texas, entitled *Kendan Miller vs. Rosenberg Police Department*.

2. Plaintiff’s Original Petition and Jury Demand is the initial pleading set forth the claim upon which the action is based.

3. The Defendant first received a copy of the petition on December 11, 2024, and the Defendant removed this case to federal court within thirty (30) days thereafter.

4. The following constitutes all of the processes, pleadings, and orders served upon Plaintiff and Defendant(s) in this action:

(a) Plaintiff’s Original Petition

(b) Docket Sheet

(c) Request for Process to Rosenberg Police Department

(d) Citation by Certified mail to Rosenberg Police Department

(e) Service Returned

(f) Defendant's Answer and Defenses

4. This is a civil action of which this federal court has original jurisdiction under Title 28 U.S.C. §1331, and is one that the defendant is entitled to remove to this Court under 28 U.S.C. §1441 in that the action involves civil claims arising under Constitution and laws of the United States thereby triggering this Court's federal question jurisdiction.

5. Venue is proper in the Southern District of Texas because the events which form the basis of the suit occurred in Fort Bend County, Texas, which is located in the Southern District of Texas, Houston Division.

JURY DEMAND

6. Defendant demands a trial by jury in accordance with Rule 38 of the Federal Rules of Civil Procedure.

PRAYER

7. Defendant prays that the above styled and named action pending in the 400th Civil District Court of Fort Bend County, Texas, be transferred from that Texas Court to this Federal Court for jury trial if the suit is not dismissed before trial by the court.

INDEX OF DOCUMENTS FILED WITH REMOVAL ACTION

(a) Plaintiff's Original Petition

(b) Docket Sheet

(c) Request for Process to Rosenberg Police Department

(d) Citation by Certified mail to Rosenberg Police Department

(e) Service Returned

(f) Defendant's Answer and Defenses

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH, LLP

/s/ Norman Ray Giles

WILLIAM S. HELFAND

Attorney-in-Charge

State Bar No. 09388250

Southern District of Texas Bar No. 8791

NORMAN RAY GILES

State Bar No. 24014084

Southern District of Texas Bar No. 26966

Lewis Brisbois Bisgaard & Smith, LLC

24 Greenway Plaza, Suite 1400

Houston, Texas 77046

Tel: (832) 460-4606

Fax: (713) 759-6830

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded on January 13, 2025, to the plaintiff at the address below for delivery by the United States mail.

Kendan Miller, *Pro Se*
915 Cole Avenue, #1202
Rosenberg, Texas 77471
Ph. (832) 759-1956

Via CM-RRR

/s/ Norman Ray Giles

NORMAN RAY GILES

24 - DCV - 323944
PETID 1
Petition
7193154



Cause # 24 - DCV - 323944

KENDAN MILLER
Plaintiff

v.

ROSENBERG POLICE DEPARTMENT
Defendant
~~DISTRICT~~ km

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IN THE DISTRICT COURT

FORT BEND COUNTY, TEXAS

400

____ THE JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE STATE DISTRICT JUDGE:

COMES NOW, KENDAN MILLER, Plaintiff, and complains of ROSENBERG POLICE DEPARTMENT, Defendant, as follows:

I.

PARTIES

Plaintiff Kendan Miller is an individual residing in Fort Bend County, Texas.
Defendant Rosenberg Police Department is a corporation in the State of Texas.
Defendant may be served at Office location 2120 4th st, Rosenberg, Texas 77471. **NOTICE TO AGENT IS NOTICE TO PRINCIPAL.**

II.

VENUE

Venue of this action is proper in Fort Bend County, Texas because the parties to this lawsuit transact business in Fort Bend County, Texas, the actions, events, and transactions which gave rise to the causes of action alleged herein took place in Fort Bend County, Texas, and the causes of action alleged herein also accrued in Fort Bend County, Texas,

III.

NATURE OF LAWSUIT

FILED

2024 DEC -9 PM 3: 28

Randy M. Miller

CLERK DISTRICT COURT
FORT BEND CO., TX NO

ROUTED TO COURT 12/10/2024 CB
RT'D TO D. CLERK 12-10-24 AA

This is a constitutional and civil rights violation lawsuit pursuant to the Privileges and Immunities Clause, Article IV, Section 2, Clause 1, Violation of the Foreign Sovereign Immunities Act, Title 28, Section 1602-1611, Violation of the Public Vessels Act, 46 U.S.C.A. Appendix Section 781-790 as originally enacted.

IV.

FACTS

Plaintiff is a Native man, a natural born state citizen/private citizen of Texas, in its constitutional capacity, as one of the several states of the union and is an inhabitant thereof, and is owed the Law Of Peace. On or around December 5, 2024, the Rosenberg police department and its officers, subjected the plaintiff to harassment, coercion, unlawful detainment, trespass, police misconduct, treason and tyranny.

While plaintiff was exercising his right to travel, the Rosenberg police department and its officers pulled over the plaintiff illegally and unlawfully detained the plaintiff while he was traveling through town center in Rosenberg, Texas. While traveling, the plaintiff pulled over after a patrol vehicle from the Rosenberg Police department turned on the patrol vehicle lights and suggested the plaintiff to pull into the dollar general parking lot near town center. After the plaintiff came to a complete stop, the plaintiff asked, what was the reason he was being pulled over and asked officer Manriquez, badge number 529, for his reasonable articulable suspicion that the plaintiff committed a crime as well as the singular articulate fact that the plaintiff committed a crime. Officer Manriquez stated the reason for this stop in question was due to traffic violations.

The plaintiff went on to give officer Manriquez who was accompanied by two other officers, one being of the name, officer M. Dostal, from the Rosenberg police department and another being Sargent J. Rivera, also from the Rosenberg police department. Plaintiff handed officer Manriquez his private traveler's notice as well as a photo identification form. Plaintiff explained to each of the three officers that he was not driving and that the officers was in fact depriving him of his civil rights and his constitutional right to travel.

Plaintiff explained on several occasions to the officers, that he was not a driver and that he was not engaging in driving. The Rosenberg police department and its officers ignored the plaintiff and subjected the plaintiff to unlawful detainment. The Rosenberg police department and its officers continued trespass and harass the plaintiff even after the plaintiff tried to refer the officers to the Texas criminal and traffic manual book. Plaintiff also gave the Rosenberg police department and its officers his private travelers notice and right to travel document as well. Plaintiff explained that he was not engaging in any type of commerce and was not a driver, instead that he was privately traveling.

Plaintiff referred the Rosenberg police department and its officers to sec. 502.003 of the Texas traffic manual, which explained, what a driver is as well as what's engaging or being involved in commerce. The Rosenberg police department and its officers completely ignored the plaintiff concerns being in complete ignorance of the Texas law and cited the plaintiff. The officers went on to threat the plaintiff after he refused to sign the citations by stating that if he did not sign the citations or give his signature that he will be taken to jail. The Rosenberg police department also took pictures of the plaintiff for court purposes. Shortly after the Rosenberg police department and its officers placed road spikes in front of the plaintiff vehicle and subjected the plaintiff to scare tactics as well as coercion to retrieve the plaintiff signature.

V.

PLAINTIFF'S CAUSE OF ACTION FOR CIVIL RIGHTS VIOLATION

Plaintiff realleges all factual allegations set forth above and would show that Defendant is liable for civil rights/ constitutional violations pursuant to Privileges and Immunities Clause, Article IV, Section 2, Clause 1, as well as Foreign Sovereign Immunities Act, Title 28, section 411.

VI.

REQUEST FOR JURY

Plaintiff respectfully requests a trial by jury and tenders the Jury fee.

VII.

CONDITIONS PRECEDENT

Pursuant to Rule 54 of the Texas Rules of Civil Procedure, all conditions precedent to Plaintiffs right to recover damages against the Defendant herein have occurred or have been performed.

VIII.

DAMAGES

Plaintiff is now suffering and will continue to suffer irreparable injury, monetary, emotional, actual, consequential, and compensatory damages because of Defendants wrongful actions unless and until this courts grants relief.

Plaintiff further pleads that Defendant's civil rights violation actions against him were perpetrated with malice or with reckless indifference for his rights, also a jurisdiction breach of

plaintiff contract. As such plaintiffs moves to court for exemplary damages in the amount of 200,000.00 dollars.

IX.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff Kendan Miller prays that Defendant Rosenberg Police Department be cited to appear for court hearing, January 7, 2025, at 9:00 am and that on final trial, Plaintiff be granted relief follows:

1. Judgment against the Defendant in excess of the minimum jurisdiction limits the court;
2. Injunctive relief, equitable relief, and a directive by the court that Defendants actions violated the Privileges and Immunities Clause, Article IV, Section 2, Clause 1, Violation of the Foreign Sovereign Immunities Act, Title 28, Section 1602-1611, Violation of the Public Vessels Act, 46 U.S.C.A. Appendix Section 781-790 as originally enacted.
3. Judgment against the Defendant Declaring that Defendant violated plaintiffs rights under the Privileges and Immunities Clause, Article IV, Section 2, Clause 1, Violation of the Foreign Sovereign Immunities Act, Title 28, Section 1602-1611, Violation of the Public Vessels Act, 46 U.S.C.A. Appendix Section 781-790 as originally enacted.
4. An award of actual, liquidated, consequential, and compensatory damages on all counts;
5. An award of exemplary damages on all counts;
6. Cost of suit and reasonable attorneys fees;
7. Prejudgment and post judgment interest as provided by law;
8. Such other and further relief, in law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

By: Kendan Miller©

Kendan Edward Miller

Kendan Miller

915 cole Avenue #1202

Rosenberg, Texas 77471

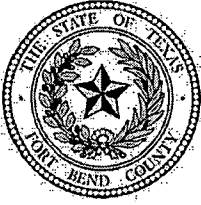
Tel. 832-759-1956

REGISTER OF ACTIONS**CASE NO. 24-DCV-323944****Kendan Miller v. Rosenberg Police Department**§
§
§
§
§Case Type: **Other Civil**
Date Filed: **12/09/2024**
Location: **400th District Court****PARTY INFORMATION****Defendant or
Respondent** **City of Rosenberg, Texas****Attorneys**
William Scott Helfand
Retained
713-659-6767(W)**Defendant or
Respondent** **Rosenberg Police Department**
Rosenberg, TX 77471**Plaintiff or
Petitioner** **Miller, Kendan Edmond**
Rosenberg, TX 77471**Pro Se****EVENTS & ORDERS OF THE COURT**

OTHER EVENTS AND HEARINGS			
12/09/2024	<u>Petition</u>	Index # 1	
	<i>Plaintiff's Original Petition</i>		
12/09/2024	<u>Affidavit/Statement of Inability to Afford Costs</u>	Index # 2	
	<i>Statement of Inability to Afford Payment of Court Costs or an Appeal Bond</i>		
12/09/2024	<u>Request</u>	Index # 3	
	<i>Request for Process</i>		
12/11/2024	<u>Issuance</u>	Index # 4	
	<i>Citation by C/M Issued to Rosenberg Police Department</i>		
12/11/2024	<u>Citation</u>		
	<i>CMRRR# 9314 8699 0430 0129 2530 22</i>		
	Rosenberg Police Department	Served	12/13/2024
		Returned	12/18/2024
12/11/2024	<u>Issuance</u>	Index # 5	
	<i>Citation Issued to Rosenberg Police Department</i>		
12/11/2024	<u>Citation</u>		
	<i>PCT 4</i>		
	Rosenberg Police Department	Served	12/17/2024
12/18/2024	<u>Officers Return</u>	Index # 6	
	<i>Citation Return for Rosenberg Police Department. Served on 12/12/2024</i>		
12/18/2024	<u>Officers Return</u>	Index # 7	
	<i>Citation by C/M Return for Rosenberg Police Department. Served on 12/13/2024</i>		
01/10/2025	<u>Answer/Contest/Response/Waiver</u>	Index # 8	
	<i>Defendant's Answer and Defense</i>		

FINANCIAL INFORMATION

	Plaintiff or Petitioner Miller, Kendan Edmond	
	Total Financial Assessment	530.00
	Total Payments and Credits	0.00
	Balance Due as of 01/10/2025	530.00
12/09/2024	Transaction Assessment	350.00
12/09/2024	Transaction Assessment	92.00
12/10/2024	Transaction Assessment	80.00
12/11/2024	Transaction Assessment	8.00



BEVERLEY MCGREW WALKER

DISTRICT CLERK
Fort Bend County, Texas

24-DCV-323944
REQU 3
Request
7193237



REQUEST FOR PROCESS

All sections must be completed for processing this request.

Section 1:

Cause No. 24-DCV-323944

Style: Kendan Miller VS Rosenberg Police Department

Section 2:

Check Process Type:

- ☒ Citation ☐ Precept to Serve / Notice of Hearing
- ☐ Citation by Posting ☐ Citation by Commissioner of Insurance
- ☐ Temporary Restraining Order ☐ Notice of Registration of Foreign Judgment
- ☐ Citation by Secretary of State ☐ Writ of _____
- ☐ Application for Protective Order / Temporary (Ex Parte) Protective Order
- ☐ Citation by Publication*:
- ☐ Daily: Fort Bend Herald ☐ Once a Week: Fort Bend Independent
- ☐ Other: _____

* In Accordance with the Fort Bend County Term Contract for Newspaper Publication of Legal Notices

☐ TCPRC 17.032 Citation by Publication

(Citation will be posted by the District Clerk's Office on the Office of Court Administration website)

☐ Other _____

**REQUEST FOR ISSUANCE OF SUBPOENA MUST BE SUBMITTED ON A
SUBPOENA APPLICATION FORM**

Section 3:

Title of Document/Pleading to be attached for service: Plaintiff's Original
Petition

Section 4:

Parties to be Served (Please type or print):

1. Name: Rosenberg Police Department

Address: 2120 4th street

City: Rosenberg State: TX Zip: 77471

2. Name: _____

Address: _____

City: _____ State: TX Zip: _____

FILED

DEC -9 PM 3:28

Beverly McGrew Walker
1 of 2
CLERK DISTRICT COURT
FORT BEND CO., TX

Rev. 05/25/23

3. Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____

4. Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____

Section 5

Check Service Type – Additional fees may apply:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Fort Bend County – Constable* | <input type="checkbox"/> District Clerk Service** |
| <input type="checkbox"/> Fort Bend County – Sheriff* | <input checked="" type="checkbox"/> Certified Mail |
| <input type="checkbox"/> Registered Mail (Out of Country) | <input type="checkbox"/> e-Service*** |
| | <input type="checkbox"/> Not Applicable – See Section 7 (Pro-Se only) |

* Fort Bend County Constable and Sheriff will only serve within their jurisdiction.

** Fort Bend County District Clerk's Office will only conduct service on Citation by Publications posted on the Office of Court Administration website.

*** Service papers will be e-mailed directly to the Pro-Se Party or the Attorney's e-mail address registered with the Texas State Bar.

Section 6 (ONLY if Section 7 does not apply)

Please Note: Our office will ONLY use the e-Service e-mail address registered with the Texas State Bar.

Attorney Name: _____

Address: _____
 Street/P.O. Box

City State Zip

Telephone No. _____ Bar No. _____

Section 7 (ONLY if Section 6 does not apply)

Pro-Se Name: Kendan Miller

Address: 915 Cole Ave #1202

Rosenberg TX 77471
 City State Zip

Telephone No. 832 759 1956 E-mail Address Kendanm1989@yahoo.com

Pro-Se Service Only:

- ☐ E-mail to Pro-Se* ☐ Mail to Pro-se Party ☐ Hold for Pick up

* Service papers will be mailed or e-mailed directly to the Pro-Se Party requesting service

Physical Address

1422 Eugene Heimann Circle, Room 31004
 Richmond, Texas 77469

Phone: (281) 341-4509
 Fax: (281) 341-4519

Mailing Address

301 Jackson Street, Room 101
 Richmond, Texas 77469

**SERVICE FEE COLLECTED
BY DISTRICT CLERK**

THE STATE OF TEXAS

CITATION

**TO: ROSENBERG POLICE DEPARTMENT
2120 4TH ST
ROSENBERG TX 77471**

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFF'S ORIGINAL PETITION** filed on **December 09, 2024**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

The case is presently pending before the **400TH JUDICIAL DISTRICT COURT** of Fort Bend County sitting in Richmond, Texas. It bears cause number **24-DCV-323944** and is styled:

KENDAN MILLER V. ROSENBERG POLICE DEPARTMENT

The name and address of the attorney for **PLAINTIFF(S)** is:

**KENDAN MILLER
915 COLE AVE #1202
ROSENBERG TX 77471
832-759-1956**

The nature of the demands of said **PLAINTIFF(S)** is shown by a true and correct copy of the **PLAINTIFF'S ORIGINAL PETITION** accompanying this citation and made a part hereof.

If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, **on this the 11th day of December, 2024.**

**BEVERLEY MCGREW WALKER, DISTRICT CLERK
FORT BEND COUNTY, TEXAS**

Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By:

Carlene Blum

Deputy District Clerk CARLENE BLUM
Telephone: (281) 341-3754



24-DCV-323944
Kendan Miller v. Rosenberg Police Department

400th Judicial District Court

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the _____ day of _____, 20__, at _____ o'clock ____M. Executed at _____, within the County of _____, at _____ o'clock ____M. on the _____ day of _____, 20__, by delivering to the within named _____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving ____ citation at \$80.00 each \$_____

Name of Officer or Authorized Person

County, Texas

By: _____
Signature of Deputy or Authorized Person

*State day and hour and place of serving each person.

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____,
(First, Middle, Last)

my date of birth is _____, and my address is _____
(Street, City, Zip)

"

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____
day of _____.

Declarant / Authorized Process Server

(Id # & expiration of certification)

ORIGINAL

THE STATE OF TEXAS

CITATION

**TO: ROSENBERG POLICE DEPARTMENT
2120 4TH ST
ROSENBERG TX 77471**

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFF'S ORIGINAL PETITION** filed on **December 09, 2024**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

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KENDAN MILLER V. ROSENBERG POLICE DEPARTMENT

The name and address of the attorney for **PLAINTIFF(S)** is:

**KENDAN MILLER
915 COLE AVE #1202
ROSENBERG TX 77471
832-759-1956**

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If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, **on this the 11th day of December, 2024.**

**BEVERLEY MCGREW WALKER, DISTRICT CLERK
FORT BEND COUNTY, TEXAS**

Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By: 

**Deputy District Clerk CARLENE BLUM
Telephone: (281) 341-3754**



SERVICE

24-DCV-323944

400th Judicial District Court

Kendan Miller v. Rosenberg Police Department

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the _____ day of _____, 20__, at ____ o'clock ____ M. Executed at _____, within the County of _____, at ____ o'clock ____ M. on the _____ day of _____, 20__, by delivering to the within named _____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving ____ citation at \$80.00 each \$ _____

Name of Officer or Authorized Person

County, Texas

By: _____
Signature of Deputy or Authorized Person

*State day and hour and place of serving each person.

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"My name is _____,
(First, Middle, Last)

my date of birth is _____, and my address is _____
(Street, City, Zip)

_____. "

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the
day of _____.

Declarant / Authorized Process Server

(Id # & expiration of certification)

SERVICE

Citation issued to Rosenberg Police Department on 12/11/2024.

THE STATE OF TEXAS

CITATION

TO: ROSENBERG POLICE DEPARTMENT
2120 4TH ST
ROSENBERG TX 77471

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFF'S ORIGINAL PETITION** filed on **DECEMBER 09, 2024**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

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BEVERLEY MCGREW WALKER, DISTRICT CLERK
FORT BEND COUNTY, TEXAS

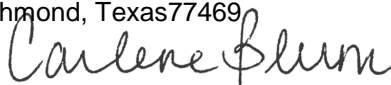
Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By:


Deputy District Clerk CARLENE BLUM
Telephone: (281) 341-3754



24-DCV-323944
Kendan Miller v. Rosenberg Police Department

400th Judicial District Court

CERTIFICATE OF DELIVERY BY CERTIFIED MAIL

Came to hand on the 9th day of December, 2024 at 3:28 PM o'clock and executed at 2120 4TH ST ROSENBERG TX 77471, on the December 11, 2024, by delivering to the within named ROSENBERG POLICE DEPARTMENT by registered or certified mail, with delivery - restricted to addressee only, return receipt requested, a true copy of this citation together with the accompanying copy of the petition were attached thereto.

Fee..... \$8.00 Issuance + \$80.00 Service = \$88.00

CMRRR# 9314 8699 0430 0129 2530 22

FILED
DECEMBER 11, 2024
AT 10:06 AM

Beverley McGrew Walker
CLERK DISTRICT COURT, FORT BEND CO., TX

**BEVERLEY MCGREW WALKER, DISTRICT CLERK
FORT BEND COUNTY, TEXAS**

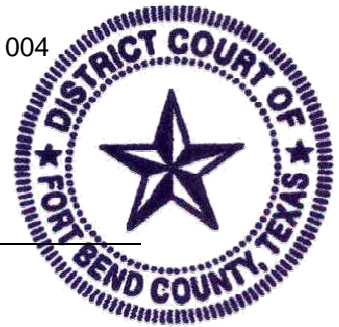
Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By: *Carlene Blum*
Deputy District Clerk Carlene Blum



COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____
(First, Middle, Last)

_____, and my address is _____
(Street, City, Zip)

_____."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____,

on the _____ day of _____.

Declarant / Authorized Process Server

(Id # & expiration of certification)

ORIGINAL

Citation (By Certified Mail) issued to Rosenberg Police Department on 12/11/2024.

**SERVICE FEE COLLECTED
BY DISTRICT CLERK**

THE STATE OF TEXAS

CITATION

**TO: ROSENBERG POLICE DEPARTMENT
2120 4TH ST
ROSENBERG TX 77471**

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The name and address of the attorney for **PLAINTIFF** is:

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ROSENBERG TX 77471
832-759-1956**

The nature of the demands of said **PLAINTIFF** is shown by a true and correct copy of the **PLAINTIFF'S ORIGINAL PETITION** accompanying this citation and made a part hereof.

If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, **on this the 11th day of December, 2024.**


**BEVERLEY MCGREW WALKER, DISTRICT CLERK
FORT BEND COUNTY, TEXAS**

Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By: 

**Deputy District Clerk Carlene Blum
Telephone: (281) 341-3754**



SERVICE

24-DCV-323944
Kendan Miller v. Rosenberg Police Department

400th Judicial District Court

CERTIFICATE OF DELIVERY BY CERTIFIED MAIL

Came to hand on the _____ at _____ o'clock and executed _____
_____, on the _____, by delivering to the within named _____
_____ by registered or certified mail, with delivery - restricted to addressee only, return receipt requested, a true copy of this
citation together with the accompanying copy of the petition were attached thereto.

Fee..... \$ _____

CMRRR# _____

**BEVERLEY MCGREW WALKER, DISTRICT CLERK
FORT BEND COUNTY, TEXAS**

Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By: _____
Deputy District Clerk Carlene Blum

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____
(First, Middle, Last)

_____, and my address is _____
(Street, City, Zip)

_____. "

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____,

on the _____ day of _____.

Declarant / Authorized Process Server

(Id # & expiration of certification)

SERVICE

Citation (By Certified Mail) issued to Rosenberg Police Department on 12/11/2024.

CAUSE NO: 24-DCV-323944

KENDAN MILLER	§	
<i>Plaintiffs,</i>	§	IN THE DISTRICT COURT OF
v.	§	
	§	FORT BEND COUNTY, TEXAS
ROSENBERG POLICE DEPARTMENT	§	
<i>Defendant.</i>	§	400 TH JUDICIAL DISTRICT
	§	

DEFENDANT'S ANSWER AND DEFENSE

1. Defendant City of Rosenberg, Texas, sued as the Rosenberg Police Department, files and serves its answer and defenses as follows.

GENERAL DENIAL

2. Defendant generally denies all claims and allegations in Plaintiff's petition.

DEFENSE

3. Plaintiff fails to state a claim for which relief may be granted.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH, LLP

/s/ Norman Ray Giles

WILLIAM S. HELFAND

Attorney-in-Charge

State Bar No. 09388250

Southern District of Texas Bar No. 8791

bill.helfand@lewisbrisbois.com

NORMAN RAY GILES

State Bar No. 24014084

Southern District of Texas Bar No. 26966

norman.giles@lewisbrisbois.com

Lewis Brisbois Bisgaard & Smith, LLC

24 Greenway Plaza, Suite 1400

Houston, Texas 77046

Tel: (832) 460-4606 / Fax: (713) 759-6830

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded on January 10, 2025, to the plaintiff at the address below for delivery by the United States mail.

Kendan Miller, *Pro Se*
915 Cole Avenue, #1202
Rosenberg, Texas 77471
Ph. (832) 759-1956

Via CM-RRR

/s/ Norman Ray Giles
NORMAN RAY GILES

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Nancy Newkirk on behalf of William Helfand

Bar No. 9388250

Nancy.Newkirk@lewisbrisbois.com

Envelope ID: 96089801

Filing Code Description: Answer/Response

Filing Description: Defendant's Answer and Defense

Status as of 1/10/2025 3:54 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
William Helfand		bill.helfand@lewisbrisbois.com	1/10/2025 2:30:29 PM	SENT
Norman Giles		Norman.Giles@lewisbrisbois.com	1/10/2025 2:30:29 PM	SENT
Nancy Newkirk		nancy.newkirk@lewisbrisbois.com	1/10/2025 2:30:29 PM	SENT
Margie Putman		margie.putman@lewisbrisbois.com	1/10/2025 2:30:29 PM	SENT